

# Notice of Allowability

Application No.

10/085,474

Examiner

Daniel J Petkovsek

Applicant(s)

DAVIDS ET AL.

Art Unit

2874

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received February 23, 2004.
2. ☒ The allowed claim(s) is/are 1,2,4,6,7,9,31-34,36,37,39-43,45,46 and 48-50.
3. ☒ The drawings filed on May 19, 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Brian Healy  
Primary Examiner

Art Unit: 2874

### **DETAILED ACTION**

This office action is in response to the amendment received February 23, 2004. In accordance with the amendment, claims 1, 2, 6, 9, 31, 33, 36, 39, 40, 42, 45, and 48 have been amended; and claims 3, 5, 10-30, 35, 38, 44, and 47 have been canceled.

#### ***Information Disclosure Statement***

1. The prior art documents submitted by Applicant in the Information Disclosure Statements filed on February 23, 2004, have been considered and made of record (note attached copy of forms PTO-1449).

#### ***Allowable Subject Matter***

2. Claims 1, 2, 4, 6, 7, 9, 31-34, 36, 37, 39-43, 45, 46, and 48-50 are allowed. The following is an examiner's statement of reasons for allowance: the relevant prior art does not teach or reasonably suggest that a *beveled mirror* is disposed in the waveguide core or defining a surface thereof, in which reflections of the mode to be transmitted are confined *within* the waveguide core (see Fig. 12A). The closest prior art of record (Kaneko et al. U.S.P. No. 6,661,939 B2) teaches (Fig. 1) all of the claimed limitations but does not teach or reasonably suggest that the beveled mirror is disposed as to confine the transmitted mode within the waveguide core. Kaneko et al. '939 teaches that the optical signal 10 exits the waveguide core 3, reflecting off of a beveled mirror 8 after leaving the core.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2874

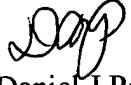
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with respect to the state of the art of integrated optical devices: PTO-892 form references A and B.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel J Petkovsek  
Examiner  
Art Unit 2874

May 5, 2004

  
Brian Healy  
Primary Examiner

Art Unit: 2874

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Pysher (Reg. #40,780) on May 5, 2004. Claims 8, 33, and 42 have been amended ([removed], added) to correct minor informalities.

The application has been amended as follows:

8. ([Currently Amended] Canceled)

33. (Currently Amended) The device of claim 31, wherein the beveled mirror is disposed at [the] an angle.

42. (Currently Amended) The device of claim 40, wherein the beveled mirror is disposed at [the] an angle.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (571) 272-2355.

The examiner can normally be reached on M-F 8:30-5:00.

Art Unit: 2874

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel J Petkovsek  
Examiner  
Art Unit 2874

May 5, 2004



Brian Healy  
Primary Examiner